

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

ORDER

15-CR-546 (DRH)

MICHAEL TROYAN,

Defendant.

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Defendant Michael Troyan (“Troyan”) moves pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence arising from his 2017 conviction in this Court for conspiracy to distribute oxycodone in violation of 21 U.S.C. § 841 (a), 21 U.S.C. § 841(b)(1)(C) and 31 U.S.C. § 846. He was sentenced to sixty month of imprisonment and three years of supervised release. In his motion Troyan contends that he was not afforded the two point reduction set forth under amendment 782 and 28 U.S.C. § 3582. The motion is denied.

The Guideline amendment referenced lowered the base offense level for the equivalent of between 10,000 and 30,000 kilograms of marijuana from a level 36 to a level 34. The PSR in this case shows that pursuant to the Drug Equivalency Table in Chapter Two of the Sentencing Guidelines, the amount of oxycodone for which Troyan was responsible was the equivalent of 14,276 kilograms of marijuana and that Troyan’s guidelines were based upon the amended offense level of 34.¹ As such the petition has no merit. Additionally, no certificate of appealability will issue because Troyan has failed to make a substantial showing of the denial of a constitutional right.

SO ORDERED.

Dated: Central Islip, New York
September 23, 2019

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge

¹ It is also noteworthy that there was no objection to the calculation of the guideline range by Troyan.